



PennState Law

Center for Agricultural
and Shale Law

PENNSYLVANIA DEPARTMENT OF AGRICULTURE  AGRICULTURAL BUSINESS DEVELOPMENT CENTER

Understanding Agricultural Law Webinar Series

Understanding Agricultural Law

Webinar Series

Understanding the Basics of

Understanding the Basics of Children, Minors & Farm Work

December 13, 2024





Understanding Agricultural Law

A Legal Educational Series for General Practice Attorneys and Business Advisors Representing Agricultural and Rural Clients

This webinar series is specifically tailored to create subject matter literacy and competence on fundamental issues of agricultural law for attorneys, advisors, and service providers to agricultural producers and agri-businesses.



Understanding Agricultural Law Series:

Past Topics:

- Agricultural Labor Laws
- Leasing Farmland for Energy Development
- Local Land Use Regulation of Agriculture
- Statutory Protections for Ag Operations
- Agricultural Cooperatives
- Livestock Market Regulation
- Crop Insurance
- Federal & State Conservation Programs
- Licensing & Regulation of Direct Agricultural Product Sales
- Agricultural Finance
- PA's "Clean & Green" Tax Assessment Program
- Animal Confinement Laws
- Conservation Easements
- Landowner Immunity Statutes
- The Farm Credit System
- Milk Pricing
- Pesticides
- Seed Laws
- Fair Labor Standards Act (FLSA)
- Perishable Agricultural Commodities Act (PACA)
- Food Labeling
- Organic Production
- Buyer Default Protections for Producers
- PA's Agricultural Area Security Law

aglaw.psu.edu/understanding-agricultural-law/



Register at <https://aglaw.psu.edu/events/>

Understanding Agricultural Law Series

Understanding the Basics of **Upcoming Topics:**

Jan. 24, 2025—**PA's Carbon Sequestration Law**

Feb. 28, 2025—**Pesticide Drift**

Mar. 24, 2025—**Clean Water Act & Ag: Impaired Waters & TMDL Process**

Apr. 25, 2025—**PA Ag Exemptions for Inheritance Tax and Real Estate Transfers**

More Programming with the Center for Agricultural and Shale Law

Dec. 18, 2024—Complying with New U.S. Treasury "Beneficial Ownership Information" Filing Requirements, with PA SBDC Ag Center of Excellence

Jan. 14, 2025—Quarterly Dairy Legal Webinar



Housekeeping

- This webinar is being recorded.
- Please use the Q&A feature for questions.
- Please fill out surveys.
- CLE credits:
 - Link to CLE form will be posted in the chat
 - Please fill out form ASAP
 - Listen for code word, enter code word in the form



"Children, Minors & Farm Work"



Library of Congress: Group of children posing under sign "U.S. Department of Agriculture Farm Security Administration Farm Workers Community"

https://www.loc.gov/resource/afc1985001.afc1985001_p014/?r=-0.269,-0.002,1.586,0.897,0



Library of Congress: Mexican girl, carrot worker, Edinburg, Texas digital file from original

<https://www.loc.gov/resource/fsa.8a25122/>



"Children, Minors & Farm Work"

Age Matters—PA & Federal laws treat gradations of "minor" differently for agriculture

Four age categories:

1. Under 12

2. 12–13

3. 14–15

4. 16–17

18—Adult ("you're on your own, kid")



Laws Governing Work & Employment of Individuals Under 18 (Minors) in Agriculture in PA

FEDERAL

- **Fair Labor Standards Act (1938)**
 - Child Labor, Minimum Wage, Overtime
 - Agriculture Exemption

PA STATE

- **PA Child Labor Act (1915, replaced 2012)**
 - Applies FLSA agricultural exemptions for child labor
- **PA Seasonal Farm Labor Act (1978)**
 - Applies minimum wage to agricultural workers: **\$7.25**
 - Exempts Ag employers from paying overtime
 - Applies Child Labor Act to seasonal farm workers




Elements/Factors to Consider

Four age categories:

1. Under 12
2. 12–13
3. 14–15
4. 16–17



- **Who** will minor perform work for?
 - Familial/parent relationship
- **Where** will minor work?
 - Nature of ownership/size of operation

- 
- Whether minor may perform work
 - What work may minor perform (actions/type)—Hazardous/non-hazardous
 - When minor may work (Time)—Day/evening, in relation to school hours
 - How long minor may work (Duration)—Per day/week
 - Conditions for work performance—Parental consent/work permit



"Parental Exemption from the Agricultural Provisions of FLSA"

"A child of **any age** may be employed by his or her parent or person standing in place of the parent at **any time** in **any occupation** on a farm owned or operated by that parent or person standing in place of that parent."

DOL Child Labor Bulletin 102, p. 2
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf>



FLSA Ag Exemption for Child Labor

- 29 U.S.C § 213(c)(1)** Except as provided in paragraph (2) or (4) , the provisions of section 212 of this title relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee
- (A) is less than twelve years of age and
 - (i) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or
 - (ii) is employed, with the consent of his parent or person standing in the place of his parent, on a farm [that meets 500 Man-Hour requirement]
 - (B) is twelve years or thirteen years of age and
 - (i) such employment is with the consent of his parent or person standing in the place of his parent, or (ii) his parent or such person is employed on the same farm as such employee, or
 - (C) is fourteen years of age or older.



FLSA Ag Exemption for Child Labor

29 U.S.C § 213(c)(1) Except as provided in paragraph (2) or (4) , the provisions of section 212 of this title relating to child labor shall not apply to **any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed,** if such employee—



FLSA Ag Exemption

29 U.S.C § 213(c)(1) Except as provided in paragraph (2) or (4) , the provisions of section 212 of this title relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

(A) is **less than twelve years** of age and

(i) is **employed by his parent**, or by a person standing in the place of his parent, **on a farm owned or operated by such parent** or person, or

(ii) is employed, **with the consent** of his parent or person standing in the place of his parent, **on a [small] farm [that meets 500 Man-day requirement]**

1. Under 12
2. 12–13
3. 14–15
4. 16–17



FLSA Ag Exemption

29 U.S.C § 213(c)(1) Except as provided in paragraph (2) or (4) , the provisions of section 212 of this title relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

...

(B) is **twelve years or thirteen** years of age and

(i) such employment is **with the consent of his parent** or person standing in the place of his parent, or

(ii) **his parent** or such person **is employed on the same farm** as such employee, or

1. Under 12
2. 12–13
3. 14–15
4. 16–17



FLSA Ag Exemption

29 U.S.C § 213(c)(1) Except as provided in **paragraph (2)** or (4) , the provisions of section 212 of this title relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

...

(C) is **fourteen years of age or older.**

1. Under 12
2. 12–13
3. 14–15
4. 16–17



FLSA Ag Exemption

29 U.S.C § 213(c)(2) The provisions of section 212 of this title relating to child labor **shall apply** to an employee **below the age of sixteen** **employed in agriculture** in an occupation that the Secretary of Labor finds and declares to be **particularly hazardous** for the employment of children below the age of sixteen **except where such employee is employed by his parent** or by a person standing in the place of his parent **on a farm owned or operated by such parent** or person.

[so "particularly hazardous" agricultural occupations OK if 16+]

1. Under 12
2. 12-13
3. 14-15
4. 16-17



FLSA—Child Labor "Particularly Hazardous"



29 C.F.R. § 570.71(a)(1)

"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."

A modern steerable all-tracked power unit planting wheat (Case STX Steiger tractor with Case IH seed drill combination) in western North Dakota, USA. https://commons.wikimedia.org/wiki/File:Wheat_Planting_04_May_2007.jpg

Video player controls: 31:47 / 58:00, CC, Settings, Full Screen, 35

Check out "Understanding the Basics of the Fair Labor Standards Act"!

29 CFR Part 570 Subpart E-1, "Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16"

- 11 Categories!

Understanding the Basics of the Fair Labor Standards Act



Center for ...
157...

Subscribed

1



Share



<https://youtu.be/Hb99obKdddA?list=PLmP04mPbQ-LKK38kQu4O6HJ1xuLclOp2n&t=1881>



First Two Categories of "Particularly Hazardous" Agricultural Operations (Prohibited for Child Under 16):

- (1) 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.
- (2) 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**:
 - (i) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
 - (ii) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or
 - (iii) Power post-hole digger, power post driver, or nonwalking type rotary tiller.



Tractor & Machine Operation Certification Programs for 14 & 15 Year Olds

Common Exemption for Categories 1 & 2!

- [29 CFR 570.72\(b\)](#) "Federal Extension Service Exemption"
- [29 CFR 570.72\(c\)](#) "Vocational agriculture training Exemption"

Programs:

- National Safe Tractor & Machinery Operation Program (Penn State Extension)
- Gearing up (Purdue)



National Safe Tractor & Machinery Operation Program (Penn State Extension)

- "Anyone can become an NSTMOP instructor by completing and passing the online NSTMOP Instructor Training Course."
- "However, only high school agricultural or local county extension educators test youth and deliver the certificate."

WHD
U.S. Department of Labor

05/31/2027

This is to certify that

(Name) (Date of Birth) _____

(Address) (ZIP Code) _____

is 14 years of age or more and has successfully completed the _____
training program and examination in: (4-H or Vocational Agriculture)

(Check one) Tractor Operation
 Tractor and Machinery Operation

as specified by the U.S. Department of Labor in the Agricultural Hazardous Occupation Order (Subpart E-1 of 29 CFR, Part 570) pertaining to the employment of youth under 16 years of age.

Certifying Authority (Extension Agent or Vocational Agricultural teacher only) _____ Person who conducted the training program _____

Signature: _____ Signature: _____

Date: _____ Date: _____

To the Instructor

1. The above youth, upon your completion of this certificate, is qualified to be employed as (a) a tractor operator as described in item 1 on page two; or (b) as both a tractor and machinery operator as described in items 1 and 2 on page two if certified for both tractor and machinery operation. This certificate is acceptable by the U.S. Department of Labor as proof of training.
2. The above youth **may not** be employed in any of the occupations listed in items 3 through 11 on page two.
3. The certificate does not certify training in adjustment of equipment or proficiency in operation, nor does it mean that the holder knows how to safely operate one particular make or model of tractor or machine.
4. It is the responsibility of the employer to instruct the employee on the safe and proper operation of the equipment to be used.
5. The U.S. Department of Labor requires employers to maintain close supervision where feasible, or, where not feasible, in work such as cultivating, the employers or their representatives check on each youth's progress at least midmorning, noon, and midafternoon.
6. Any accident that results in an injury to this person should be reported by the employer to the proper authority including the certifying authority who signed this certificate.
7. This copy of the certificate should be retained in your file for further follow-up and reporting requirements.

- 1 -

Form WH-5
Rev. November 2012

National Safe Tractor & Machinery Operation Program (Penn State Extension)
<https://extension.psu.edu/national-safe-tractor-and-machinery-operation-program>
 DOL Certificate: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-5.pdf>



NSTMOP Age of Participants

Age	Can take class	Can participate in practice driving	Can be tested
< 12	No	No	No
12 through 13	YES	No	No
14 through 15	YES	YES	YES
16+	YES	YES	YES, but not required

National Safe Tractor & Machinery Operation Program
(Penn State Extension)

<https://extension.psu.edu/national-safe-tractor-and-machinery-operation-program>



"Vocational Agricultural Student-Learner Exemption" for Children Under 16

[29 CFR 570.72\(a\)](#)

- Allows minor to engage in "particularly hazardous" agricultural operations in categories 1-6
- "The student-learner is enrolled in a vocational education training program in agriculture under a recognized State or local educational authority, or in a substantially similar program conducted by a private school"



"Agriculture" is Key in "Hazardous" Occupations

(Non-Agricultural) "Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being" ([29 CFR Part 570 Subpart E](#))

- Meat Processing and Slicing
- Power-Driven Saws
- Roofing
- Power-Driven Woodworking Machinery
- Driving
- Compactors and Balers
- Explosives
- Radioactive Material
- Forklifts and Skid-Steers
- Demolition
- Mining
- Logging, Forestry and Sawmilling
- Power-Driven Bakery Machines
- Brick and Tile
- Working with Metal
- Trenching and Excavation



PA Child Labor Act applies these + additional

Prohibited Occupations Under PA Child Labor Act
https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/llc/documents/child_labor_law_prohibitions.pdf



What is "Agriculture" Under FLSA?

"Secondary" Agriculture:

"any practices . . . performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

29 U.S.C. § 203(f)

See Farmers Reservoir & Irrigation Co. v. McComb, 337 U.S. 755 (1949):

- practices "must relate to farmer's own farming operations"

See also Mitchell v. Huntsville Wholesale Nurseries, Inc., 267 F.2d 286 (5th Cir. 1959); *Acosta v. Bland Farms Prod. & Packing, LLC*, 767 F. App'x 862 (11th Cir. 2019)



Lynnville Transp., Inc. v. Chao, 316 F. Supp. 2d 790 (S.D. Iowa 2004)

- Livestock Hauling Company ("livestock largely owned by other individuals and companies")
- Minors cleaned trailers
 - Used skid loader to push manure into pit
 - Did not raise shovel of skid loader
 - 29 CFR 570.58: "Power-driven hoisting apparatus"



Equipment Share, What Is a Skid Steer?
<https://www.equipmentshare.com/articles/what-is-a-skid-steer>



Lynnville Transp., Inc. v. Chao, 316 F. Supp. 2d 790 (S.D. Iowa 2004)

- Court acknowledged that company
 - was "acting under the assumption it was in an agriculture-related business"
 - "violations were not willful,"
 - "Company brought itself into immediate compliance upon learning of the violations"
- Court upheld DOL penalty assessment of \$17,125
 - "The law applies equally to the employer who acts with the best of intentions as it does to the employer who would subject minor laborers to dangerous and abusive conditions."




Elements/Factors to Consider

Four age categories:

1. Under 12
2. 12–13
3. 14–15
4. 16–17



- **Who** will minor perform work for?
 - Familial/parent relationship
- **Where** will minor work?
 - Nature of ownership/size of operation

- 
- Whether minor may perform work
 - What work may minor perform (actions/type)—Hazardous/non-hazardous
 - When minor may work (Time)—Day/evening, in relation to school hours
 - How long minor may work (Duration)—Per day/week
 - Conditions for work performance—Parental consent/work permit



FLSA Overview

The Federal Child Labor Provisions in Agriculture Do Not:

- require minors to obtain “working papers” or “work permits” (although some state laws do)
- limit the number of hours or times of day, other than outside of school hours, that young farm workers may legally work (although some state laws do)

DOL Child Labor Bulletin 102, p. 2
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf>



U.S. DOL: "Common Child Labor Violations"

- "Working longer or later than legally allowed [non-ag]
- Driving a motor vehicle or forklift
- Using meat-processing machines and vertical dough or batter mixers
- Performing jobs that are off-limits for their age"

<https://www.dol.gov/agencies/whd/youthrules/employers>



PA Child Labor Act

43 P.S. § 40.13(b) Agricultural employment.

"Agricultural employment which is exempt from coverage of the child labor provisions of the Fair Labor Standards Act shall be exempt from coverage of this act."

 Parental exemption!



"Parental Exemption from the Agricultural Provisions of FLSA"

"A child of **any age** may be employed by his or her parent or person standing in place of the parent at **any time** in **any occupation** on a farm owned or operated by that parent or person standing in place of that parent."

DOL Child Labor Bulletin 102, p. 2
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/childlabor102.pdf>



PA Seasonal Farm Labor Act 43 P.S. § 1301.203 (b)

Applies PA Child Labor Act:

"Every minor from the ages of 14 to 17 years inclusive, who is employed or permitted to work as a **seasonal farm worker**, every employer of such minor, and every school district wherein such minor is so employed, **shall be subject to the provisions of . . . the "Child Labor Law," . . .**



"Seasonal farm worker"

- "an individual employed in raising, cultivating, fertilizing, seeding, planting, pruning, harvesting, gathering, washing, sorting, weighing or handling, drying, packing, packaging, grading, storing or delivering to market or to storage or to a carrier for transportation to market in its unmanufactured state, any agricultural commodity as defined in the act of September 20, 1961 (P.L. 1541, No.657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," or any farm product as defined in 1 Pa.C.S. §1991 (relating to definitions) **on a seasonal or other temporary basis;**
- includes every individual, irrespective of his or her primary employment, while he or she performs **agricultural labor on a seasonal or other temporary basis,**
- *[If employer supplied transportation]* except any person who commutes daily from his or her permanent residence to the work site unless transportation is provided such a person by a farm labor contractor; and
- *[If employer supplied housing]* other provisions of this act to the contrary notwithstanding, includes any person residing in living quarters owned, leased or operated by an employer or a farm labor contractor and occupied by four or more unrelated persons.



PA Seasonal Farm Labor Act 43 P.S. § 1301.203 (b)

Applies time limitation more stringent than FLSA ("outside school hours"):

"except that no such minor shall be employed between the hours of **seven o'clock in the morning and one hour following the end of the school day** or any regular school day of the school district wherein he is then a resident, whether or not such minor is registered as a pupil in such school district."

- No employment 7:00am-1 hour after school



Rest Breaks, Consecutive Working Days

PA Seasonal Farm Labor Act & Child Labor Act

- mandate a 30-minute break after 5 hours of work
- Prohibit more than 6 consecutive days of work



PA Child Labor Law—Work Permit

§ 40.8. Duties of employer

(a) Work permits and parental authorization.--

(1) Unless a minor has the items listed in paragraph (2), **a minor [under 18] may not be employed or permitted to work:**

- (i) in, about or in connection with an establishment; or
- (ii) in an occupation.

(2) To be employed, a minor must have all of the following:

(i) A work permit.



PA Child Labor Law—Work Permit + Parental Consent if Under 16

§ 40.8. Duties of employer

(2) To be employed, a minor must have all of the following:

(i) A work permit. [AND]

(ii) For individuals who are **under 16 years of age**, a **written statement by the minor's parent** or legal guardian **acknowledging understanding of the duties and hours of employment and granting permission to work** subject to the provisions of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



PARENTAL ACKNOWLEDGEMENT OF MINOR'S DUTIES AND HOURS OF EMPLOYMENT

(Must be completed for minors under 16 years of age)*

(This section to be completed by the employer.)

The undersigned parent or legal guardian of _____, age _____, (name of minor) hereby acknowledges and understands that this minor's employment with

_____ (name of employer), commencing _____ (date), will consist of the following duties and hours:

(This section to be completed by the employer.)

Duties of minor (e.g., cashier, food service, lifeguard, sales clerk, etc.)

Hours of work:

_____	Sunday	_____	.m.-	_____	.m.
_____	Monday	_____	.m.-	_____	.m.
_____	Tuesday	_____	.m.-	_____	.m.
_____	Wednesday	_____	.m.-	_____	.m.
_____	Thursday	_____	.m.-	_____	.m.
_____	Friday	_____	.m.-	_____	.m.
_____	Saturday	_____	.m.-	_____	.m.

Other/additional hours (include explanation):

(additional sheet(s) attached)

(To be signed by minor's parent or legal guardian.)

I hereby acknowledge that I understand the above duties and hours to be worked by the above-named minor for this employer and grant permission for this employment. This statement is made subject to the provisions of 18 Pa. C.S. § 4904 (relating to unsworn falsifications to authorities).

(Printed name of parent or legal guardian) Parent of _____ (Name of minor)
 Legal guardian

(Signature of parent or legal guardian) _____ (Date)

* This form is required to be completed by the parent or legal guardian of a minor employee under 16 years of age pursuant to Section 8(a)(2)(ii) of the Child Labor Act, and the original copy must be kept by the employer at the workplace along with other records of the minor's employment required by Section 8(d).

Auxiliary aids and services are available upon request to individuals with disabilities. Equal Opportunity Employer/Program

LLC-75 01-13

<https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/documents/llc-75.pdf>



PA Child Labor Law—What is a Work Permit?

- Issued by school district in which minor resides
- "wallet-sized form" containing minor's
 - Name.
 - Sex.
 - Date and place of birth.
 - Place of residence.
 - Color of hair and eyes.
 - Any physical work restrictions.
- Certifies that
 - Minor has appeared virtually or in-person before issuing school officer
 - School officer has received and verified proof of age documents

APPLICATION FOR WORK PERMIT

Date of application _____
 Certificate/Permit number _____
 Date issued _____

PDE-4565 (1/13)

A. To be completed by the applicant

Name of minor			Sex _____	Signature of issuing officer	
			Color of hair _____		
			Color of eyes _____		
Any physical work restrictions			School district - name and address		
Place of residence		Place of birth			
Date of birth			Evidence of age accepted and filed. Evidence shall be required in the order designated. Check the accepted evidence.		
Month	Day	Year	<input type="checkbox"/> a. Transcript of birth certificate	<input type="checkbox"/> b. Baptismal certificate or transcript	<input type="checkbox"/> c. Passport
			<input type="checkbox"/> d. Other documentary evidence	<input type="checkbox"/> e. Affidavit of parent or guardian accompanied by physician's statement of opinion as to the age of the minor	

B. To be completed by parent or guardian, unless minor is a high school graduate (please attach proof of graduation)

Signature of parent, guardian or legal custodian*	Name and address of parent, guardian or legal custodian

Commonwealth of Pennsylvania - Department of Education

*In lieu of signature under clause (B), the applicant may execute a statement before a notary public or other person authorized to administer oaths attesting to the accuracy of the facts set forth in the application on a form prescribed by the department. The statement shall be attached to the application.



No work permit needed "if the applicant can demonstrate official proof of high school graduation." (16-17 year-old HS graduate does not need work permit)





PA Work Permit—From PDE's FAQ????

Q: Does a student need a work permit to work on a farm?

A: No. The Child Labor Act states: "this act shall not apply to children employed on the farm, or in domestic service in private homes." With the exception of seasonal farm work, the Child Labor Act does not cover farm work and agricultural work in nurseries (non-retail employment). **Students working as seasonal farm workers are covered by the child labor act and must obtain work permits.**

Students who wish to be exempt from attending school to work on a farm or to work as a domestic in a home other than their own should contact their school district and request a [Farm and Domestic Permit](#).



PA Work Permit—OLD FAQ!

Q: Does a student need a work permit to work on a farm?

A: No. The Child Labor Law states: "this law shall apply to children employed on the farm or in private homes." With the exception of seasonal employment, the Labor Act does not cover farm work and agricultural series (non-retail employment). **Students and farm workers are covered by the child labor law and do not need work permits.**

Students who wish to be exempt from attending school to work on a farm or to work as a domestic in a home other than their own should contact their school district and request a [Farm and Domestic Permit](#).

Question Removed!

Bellefonte SD (Old)

basd.net/page/student-worki...

MENU SCHOOLS TRANSLATE

child labor laws apply r

Q: Can a student who is suspended or expelled work during the time school is in session? +

Q: Can a student who has been assigned to an alternative school (and is attending classes after the regular school hours) work during the time the regular school is in session? +

Q: Does a student need a work permit to work on a farm? +

Q: What is the definition of a seasonal farm worker? +

Q: Is there any information on the Internet about restrictions on what kind of farm work students can do? +

PDE (from 12/12/24)

pa.gov/agencies/education/programs...

If a student is being home schooled, do all of the child labor laws apply? ▾

Can a student who is suspended or expelled work during the time school is in session? ▾

Can a student who has been assigned to an alternative school (and is attending classes after the regular school hours) work during the time the regular school is in session? ▾

What is the definition of a seasonal farm worker? ▾

I have questions about how the Child Labor Act applies to minors who work in agriculture or on farms, whom do I contact? ▾

If an employer is violating the Child Labor Act, whom do I contact? ▾



PA CLA—Employer Duties: Verify Work Permit & Parent Statement

§ 40.8. Duties of employer

"(3) Before employing a minor, an employer shall do all of the following:

- (i) **Verify the work permit** under paragraph (2)(i).
- (ii) **Receive the verified statement** under paragraph (2)(ii)"



PA CLA—Employer Duties: Notify School

§ 40.8. Duties of employer

"(b) Notification.--The employer shall notify the issuing officer in writing of the employment of a minor and shall detail the normal duties and hours of employment within five days after the beginning of employment and shall include the age and permit number of the minor. On termination of employment of a minor, the employer shall notify the issuing officer within five days of the final day of employment that the minor no longer is employed by the employer."

- Notify school officer in writing that employer has employed minor w/in 5 days of employment
- Include
 - Duties & hours of employment
 - Minor's age
 - Permit Number
- Notify school officer of minor's termination of employment w/in 5 days



PA CLA—Employer Duties: Posting Requirements

§ 40.8. Duties of employer

(c) Posting requirement.--An employer shall post a printed abstract of the sections of this act relating to the hours of labor in a conspicuous place in the establishment.

ABSTRACT OF THE CHILD LABOR ACT HOURS PROVISIONS

MUST BE POSTED IN A CONSPICUOUS PLACE WHERE ANY PERSON UNDER AGE 18 IS EMPLOYED

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations.

Minors under 16 must have a written statement by the minor's parent or guardian acknowledging the duties and hours of employment and granting permission to work.

HOURS OF EMPLOYMENT—AGES 14 & 15*

HOURS OF EMPLOYMENT

During School Term: Maximum three hours on school days, eight hours on any other day, and 18 hours per school week (Monday—Friday), and only at a time that does not interfere with school attendance. Plus eight additional hours on Saturdays and Sundays.

Exception: Students 14 and older, whose employment is part of a recognized school work program, may be employed for hours, when combined with school hours, not exceeding eight in a day.

During School Vacations: Maximum eight hours/day, 40 hours/week.

WORK TIME

Employment prohibited after 7 p.m. and before 7 a.m.

Exceptions: During school vacations, minors may be employed until 9 p.m. Minors at least age 11 may be employed in newspaper delivery from 5 a.m. to 8 p.m., except during school vacation, then until 9 p.m. Members of volunteer fire companies may participate in training and firefighting activities until 10 p.m. with written parental consent.

HOURS OF EMPLOYMENT—AGES 16 & 17* **

HOURS OF EMPLOYMENT

During School Term: Maximum eight hours a day and 28 hours per school week (Monday—Friday). Plus eight additional hours on Saturdays and Sundays.

During School Vacations: Maximum 48 hours/week; 10 hours/day; a minor may refuse any request to work greater than 44 hours/week.

WORK TIME

Employment prohibited before 6 a.m. and after 12 a.m.

Exceptions: During school vacations, minors may be employed until 1 a.m. Members of volunteer fire companies may continue serving in answer to a fire call until excused by chief.

* Minors employed as sports attendants are not subject to the Act's hours and work time restrictions.

**EXCEPT: A) Minors who have graduated from high school or who are exempt from compulsory attendance under the Public School Code are not subject to the Act's hours of employment or work time restrictions.

B) Special rules apply to young adults, 16 and 17 years of age, employed during a school vacation as a counselor by a summer resident camp operated by a religious or scout organization.

MAXIMUM EMPLOYMENT: NOT MORE THAN six CONSECUTIVE DAYS (except newspaper delivery).

30 MINUTE MEAL PERIOD REQUIRED ON OR BEFORE five CONSECUTIVE HOURS OF WORK.

For further information on the Child Labor Act, please consult the Department of Labor & Industry's website at www.dli.pa.gov and click on "Labor Law Compliance."

Child Labor law Abstract (No. LLC-5) (must be posted by employers employing minors)

<https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/documents/llc-5.pdf>



PA CLA—Employer Duties: Records

§ 40.8. Duties of employer

(d) Records.--An employer shall maintain the following records at the workplace:

- (1) A list of all the minors employed in the establishment.
- (2) A schedule of the hours of labor of the minors listed in subparagraph (ii). The schedule of hours of labor shall contain:
 - (i) the maximum number of hours each minor is required or permitted to work on each day of the week;
 - (ii) the weekly total for each minor; and
 - (iii) the daily hours for commencing and stopping work and for time allowed for meals.



Hours of Work for Minors Under Eighteen

employed at _____
(Give name of establishment, department and floor, or otherwise designate workers to whom this schedule applies.)
 Show daily time of starting work, time for meal or rest periods, and time of stopping work.

NAME OF EMPLOYEE	AGE	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL SCHOOL HRS. PER WEEK IF UNDER 16	TOTAL HOURS FOR WEEK
		FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO		

NOTE: Minors between 14 and 16 years of age may not be employed at times that interfere with regular school attendance. Hours spent in school must be included in daily and weekly hours of work.

I hereby certify that the schedules of hours given above are true and correct.

DATE MANAGER SIGNATURE ADDRESS OF ESTABLISHMENT

This Schedule and the Abstract of the Child Labor Law Must be Posted in a Conspicuous Place in Every Pennsylvania Business Governed by the Child Labor Law. This Schedule Must be Kept up to Date and Correct.

Hours of Work for Minors Under 18 (No. LLC-17) (must be posted by employers employing minors)
<https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/documents/llc-17.pdf>



PA CLA—Employer Duties: Records

§ 40.8. Duties of employer

(3) For each minor, the employer shall keep

- a copy of the work permit,
- the original verified permission statement required in subsection (a) and
- a copy of the letter sent to the issuing officer announcing the employment of the minor.



PA CLA—Employer Duties: Records

§ 40.8. Duties of employer

(4) An employer shall maintain records for employed minors **in compliance** with the recordkeeping requirements of the act of January 17, 1968 (P.L.11, No.5), known as **The Minimum Wage Act of 1968**, and shall maintain accurate records of the actual days, hours and times of day the minors worked, including breaks.

(5) An employer shall provide an enforcement officer with access to records kept under this subsection at all reasonable times.



Duration of Hours/Time—FLSA

Under FLSA—Under 16 in agricultural work must work "outside school hours"

FLSA non-ag hours of work regulations:

- (1) Outside of school hours;
- (2) Not more than 40 hours in any 1 week when school is not in session;
- (3) Not more than 18 hours in any 1 week when school is in session;**
- (4) Not more than 8 hours in any 1 day when school is not in session;
- (5) Not more than 3 hours in any 1 day when school is in session, including Fridays;
- (6) Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m

FLSA "week": "fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods—that is identical to the workweek the employer establishes



Hours of Work for Minors Under Eighteen

employed at _____

(Give name of establishment, department and floor, or otherwise designate workers to whom this schedule applies.) Show daily time of starting work, time for meal or rest periods, and time of stopping work.

NAME OF EMPLOYEE	AGE	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL SCHOOL HRS. PER WEEK IF UNDER 16	TOTAL HOURS FOR WEEK
		FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO				

NOTE: Minors between 14 and 16 years of age may not be employed at times that interfere with regular school attendance. Hours spent in school must be included in daily and weekly hours of work.

Duration of Hours/Time—PA

AGES 14 & 15

During School Term:

- Maximum three hours on school days,
- **eight hours on any other day**, and
- **18 hours per school week (Monday—Friday)**, and
- only at a time that does not interfere with school attendance.
- **Plus eight additional hours on Saturdays and Sundays.**

Exception: Students 14 and older, whose employment is part of a recognized school work program, may be employed for hours, when combined with school hours, not exceeding eight in a day.

During School Vacations: Maximum eight hours/day, 40 hours/week.

Employment prohibited after 7 p.m. and before 7 a.m.

During school vacations, may be employed until 9 p.m.

Child Labor law Abstract (No. LLC-5) (must be posted by employers employing minors)
<https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/documents/llc-5.pdf>



Duration of Time/Hours–Poultry Harvesting

43 P.S. § 40.3(e) Exceptions [time limitations]: (1) [poultry harvesting] Individuals who are **at least 14** years of age or older **may be employed until 10 p.m.** on a farm by a person other than the farmer in the **hatching, raising or harvesting of poultry** as long as the minor is not working in an agricultural occupation declared hazardous by the United States Secretary of Labor.

But see [29 CFR 570.33\(I\)](#): The following occupations, which is not an exhaustive list, constitute oppressive child labor within the meaning of the Fair Labor Standards Act when performed by minors who are 14 and 15 years of age:(I) **Catching and cooping of poultry in preparation for transport or for market.**



Hours of Work for Minors Under Eighteen

employed at _____
(Give name of establishment, department and floor, or otherwise designate workers to whom this schedule applies.)
Show daily time of starting work, time for meal or rest periods, and time of stopping work.

NAME OF EMPLOYEE	AGE	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL SCHOOL HRS. PER WEEK IF UNDER 16	TOTAL HOURS FOR WEEK
		FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO	FROM	TO				

NOTE: Minors between 14 and 16 years of age may not be employed at times that interfere with regular school attendance. Hours spent in school must be included in daily and weekly hours of work.

Duration of Hours/Time—PA

AGES 16 & 17

During School Term:

- Maximum eight hours a day and
- 28 hours per school week (Monday—Friday).
- Plus eight additional hours on Saturdays and Sundays.

During School Vacations: Maximum 48 hours/week; 10 hours/day; a minor may refuse any request to work greater than 44 hours/week..

Employment prohibited before 6 a.m. and after 12 a.m.

During school vacations, minors may be employed until 1 a.m

Child Labor law Abstract (No. LLC-5) (must be posted by employers employing minors)
<https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/individuals/labor-management-relations/documents/llc-5.pdf>



PA DLI Child Labor Act Complaint

1. Are minors employed under the age of 14 years old?
2. Are minors employed with working papers officially called Employment Certificates?
3. Are minors employed more than 8 hours a day?
4. Are minors employed in what may be excessive hours per week?

<https://www.pa.gov/services/dli/file-a-child-labor-complaint.html>



PA DLI Child Labor Act Complaint Cont'd

5. Are minors employed under age of 18 years old?
6. Are minors employed in a prohibited occupation?
7. Are minors employed more than 5 hours without 30 min. 'Break'?
8. Are minors employed late at night; either during school or summer vacation?
9. Are minors employed during very early or odd hours of the morning?

<https://www.pa.gov/services/dli/file-a-child-labor-complaint.html>



Best (Required) Practices if employing minors in PA

- Know your school district work permit "issuing officer"
- **Verify** work permits
- Post required docs
- Keep all employment records & copies of school district communications
- Abide by PA hours/time limits
- **Safety:** encourage/require all employed youth to complete the tractor & machine safety courses if they will be working on/around such equipment



Thank you for joining us!

Understanding Agricultural Law Series Upcoming Topics:

Understanding the Basics of

Jan. 24, 2025—**PA's Carbon Sequestration Law**

Feb. 28, 2025—**Pesticide Drift**

Mar. 24, 2025—**Clean Water Act & Ag: Impaired Waters & TMDL Process**

Apr. 25, 2025—**PA Ag Exemptions for Inheritance Tax and Real Estate Transfers**

More Programming with the Center for Agricultural and Shale Law

Dec. 18, 2024—Complying with New U.S. Treasury "Beneficial Ownership Information" Filing Requirements, with PA SBDC Ag Center of Excellence

Jan. 14, 2025—Quarterly Dairy Legal Webinar

Register at

<https://aglaw.psu.edu/events/>

CENTER MISSION AND BACKGROUND

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