

Chapter 33

CHILD LABOR: FLSA

Source: FOH Modernization revision 698, published 08/10/2016. Substantive revisions made *after* 08/10/2016 are noted at the end of affected provisions below. Historical information on revisions published *prior to* 08/10/2016 can be found at the link beside this chapter at www.dol.gov/whd/foh.

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In addition to certain office machines (*see* FOH 33d01) and kitchen equipment (*see* FOH 33c12), Child Labor Reg. 3 permits 14- and 15-year-olds to operate vacuum cleaners and floor waxers (*see* 29 CFR 570.34(h)).

- a. The term “floor waxers” refers to those combination or multipurpose floor care machines designed to strip wax from floors, reapply wax, and buff or polish floors. Such machines, also called buffers, burnishers, and polishers, consist of a motor housed above a circular rotating horizontal surface to which various pads or brushes may be attached, depending upon the task to be performed. The operator directs the movement of the machine using a handle that rises perpendicular to the base of the machine.
- b. The term “floor waxers” does not include the above described machines when used to sand or refinish floors, as such equipment would generally be prohibited under HO 5 (occupations involved in the operation of power-driven woodworking machines). In addition, Child Labor Reg. 3 prohibits the employment of 14- and 15-year-olds in processing and construction occupations.
- c. The term “floor waxers” does not include any floor stripper, cleaner, scrubber, burnisher, or polisher upon which the operator may ride while operating the machine.

(2) *Power-driven mowers*

29 CFR 570.33(e) prohibits the employment of 14- and 15-year-olds in occupations involving the operating or tending of power-driven machinery, and specifically names lawn mowers. Furthermore, HO 2 would prohibit anyone under the age of 18 from operating a riding lawn mower when used as a means of transportation on public roads or highways (*see* FOH 33h02(e)(3)).

(3) *Cutters, including weed trimmers and weed eaters*

The prohibitions of 29 CFR 570.33(e) include operating or tending power-driven cutters such as weed trimmers, weed eaters, and hedge trimmers.

(4) *Golf carts and all-terrain vehicles (ATVs)*

29 CFR 570.33(e) prohibits 14- and 15-year-old minors from operating or tending power-driven machinery, including golf carts and ATVs. 29 CFR 570.33(f) prohibits these same minors from being employed in occupations involving the operation of motor vehicles. As golf carts and ATVs are power-driven machines that are also motor vehicles, no one under 16 years of age may operate or tend such machines.

- a. These Child Labor Reg. 3 prohibitions are much broader than those of HO 2. The Child Labor Reg. 3 prohibitions are not restricted to the operation of the motor vehicle on public roads or highways.
- b. The operation of a golf cart or an ATV would also be prohibited under HO 2 if the minor were operating the vehicle as a means of transportation on a public road or highway (*see* FOH 33e02c(2)(b)).

(5) *Cart Caddy and QuicKART*

29 CFR 507.33(e) prohibits 14- and 15-year-olds from operating or tending power-driven machinery. This would include the Cart Caddy, QuicKART, and similar pieces of equipment.

- a. The Cart Caddy and QuicKART are two types of power-driven machines often used by grocers and other retail stores to move large strings of shopping carts. These machines are hooked to the last shopping cart in a string and then the operator guides the string of carts back to the store while commanding the machine to move by means of a hand-held remote control. The operator walks behind the machine and operates the manual throttle when returning to the parking lot to collect more carts.
- b. As these machines are not considered to be motor vehicles as defined in HO 2, they do not fall within the scope of HO 2. 16- and 17-year-old minors are permitted to operate these machines (*see* FOH 33h02(e)(2)).

(6) *Office machines*

29 CFR 570.33(e) and 29 CFR 570.34(a) permit 14- and 15-year-old minors to operate office machines. Office machines that may be operated by 14- and 15-year-old minors include computers, typewriters, electric staplers, printers, copiers, cash registers, pencil sharpeners, automatic letter openers, adding machines and calculators, postage machines, automatic filing systems, VCRs, and digital cameras.

(7) *Paper shredders*

14- and 15-year-olds may operate office type paper shredders in an office setting as part of office work. Child Labor Reg. 3 prohibits such youth from operating paper shredders in an industrial or recycling setting.

(8) *Amusement park and water park rides*

The Child Labor Reg. 3 general prohibition against the operation and tending of power-driven machinery includes the operating or tending of all power-driven amusement park and water amusement park rides.

- a. Tending would include such duties as assisting riders as they enter and leave the ride, checking to ensure seat belts are properly fastened, and policing the area to ensure the ride is operated safely.
- b. These prohibitions extend to most power-driven rides and attractions at water parks as well. 29 CFR 570.34(1)(1) specifically prohibits all minors under 16 years of age from working as dispatchers at the top of elevated water slides (*see* FOH 33d06(d)(2)). Note: certain activities may be performed by properly certified 15-year-old lifeguards at traditional swimming pools and water amusement parks (including such water park facilities as wave pools, lazy rivers, specialized activity areas that may include water falls and sprinkler areas, and at the receiving or splashdown areas of the elevated water slides (*see* 29 CFR 570.34(1)(1) and FOH 33d06).

Minors may operate or help in the operation of circular saws, band saws, and guillotine shears when the equipment is fitted with devices for full automatic feeding and ejection and with a fixed guard which prevents operators or helpers from placing any part of their bodies in the point-of-operation area. There is no such provision for operating or assisting in the operation of chain saws, reciprocating saws, wood chippers, or abrasive cutting discs.

(d) Exemptions

HO 14 does provide an exemption for student-learners and apprentices. No other exemptions apply.

(e) Enforcement positions

(1) HO 14 does not apply to the following machines as they fail to meet the specific definitions of circular saws, band saws, or guillotine shears:

- Alligator shears
- Circular knives
- Circular shears
- Friction saws
- Paper shredders
- Wire saws

(2) *Bagel slicers*

The WHD will not charge a violation of HO 14 when 16- or 17-year-old employees operate or clean certain types of bagel slicers that meet the HO's definition of a *circular saw* (see FOH 33h11(e)(1)b.3.).

33h15 HO 15: Wrecking, demolition, and shipbreaking operations.

Name: occupations involved in wrecking, demolition, and shipbreaking operations

Originally adopted: 11/15/1960

(a) Scope of HO 15

- (1) The study promulgating HO 15 noted that wrecking and demolition work is fraught with many hazards including those involved with maintaining and operating power equipment; falls from many levels while working on scaffolds, on insecure walls and around unguarded material chutes; being struck by falling objects or swinging loads; collapse of walls; and other hazards such as the dangers of high voltage, fire, explosions, and muscle strains from handling heavy materials.
- (2) HO 15 is industry-wide and deals with occupations performed on site of total or partial razing, demolishing, or dismantling of buildings, bridges, steeples, towers,

- a. 16- and 17-year-olds may manually excavate to a depth not exceeding four feet below any ground surface adjoining the excavation.
 - b. 16- and 17-year-olds may work in an excavation not exceeding a depth of four feet.
 - c. 16- and 17-year-olds may work in an excavation where the side walls are shored or sloped to the angle of repose.
- (3) HO 17 *does not* apply to site clearing or surface grading operations, nor to dredging and bore-hole drilling operations.

(d) Exemptions

HO 17 does contain an exemption for student-learners and apprentices. There are no other exemptions applicable to this HO.

(e) Enforcement positions

Road graders

The use of road graders (power-driven earth moving equipment) in excavation operations is prohibited by HO 17. The study conducted by the department that established HO 17 did not include surface grading operations (*i.e.*, use of road graders). However, as HO 17 only permits *manual* excavation or backfilling and only at a depth of up to four feet (and road graders constitute mechanized excavation, often in ditches up to six feet in depth), the use of road graders is prohibited.