

FLSA-769

August 10, 1976

This is in further reply to your letters of October 21, 1975, and March 3, 1976, with regard to correspondence from *** requested information on the actual interpretation of the law concerning the employment of minors 16 and 17 years of age as ambulance attendants which requires riding in the ambulance and assisting an injured or ailing person. We regret the delay in responding.

A detailed investigation has been made with regard to the situation your constituent described. At the time of the investigation, your constituent's son, ***, 16 years of age, was employed as an emergency medical technician; i.e., ambulance attendant. He had completed necessary training for that occupation at the community college and had been certified for such work by the State of ***. However, the *** official admittedly had not taken age requirements into consideration.

The compliance officer who investigated the establishment where *** was employed concluded that a violation of Hazardous Occupations Order No. 2 had occurred. This Order prohibits the employment of minors between 16 and 18 years of age in the occupations of motor vehicle driver and outside helper on any public road. The term "outside helper" is defined to include:

....any individual other than a driver whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

The Wage and Hour Division, charged with the enforcement of the child labor provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 212), pursuant to which the Order was promulgated, had taken the position that the rear of an ambulance is "outside" the cab for purposes of the Order. This prohibited minors below the age of 18 years of an ambulance with the person being transported: although such minors could lawfully be employed as "helpers" on an ambulance with the driver.

A reevaluation of this interpretation has been made. As a result of such reevaluation, it has been determined that a qualified ambulance attendant riding in the rear portion of the ambulance with the patient being transported is not an "outside helper" within the meaning of this Order. The previous position taken by the Wage and Hour Division is thus withdrawn. Further study may be undertaken to determine whether any other occupations requiring riding in the rear of an ambulance should be specifically included under the Order.

This letter is to advise you that the employment of minors between 16 and 18 years of age in the occupation of ambulance attendants, including riding in the rear of the ambulance with the person being transported, is permissible under the child labor provisions of the Fair Labor Standards Act.

Sincerely,

Ronald J. James
Administrator