

FLSA-620

June 9, 1988

Subject: Whether 16- and 17-year old minors employed in service garages are prohibited from operating hydraulic grease racklifts under Hazardous Occupations Order No. 7 (HO 7).

This is in response to your letter of May 10 requesting an opinion as to whether 16- and 17-year old minors employed in service garages are prohibited from operating hydraulic grease rack lifts under Hazardous Occupations Order No. 7 (HO 7), issued under the Fair Labor Standards Act.

Is the position of the U.S. Department of Labor (the Department) that HO 7 does not apply to employment requiring the use of "grease rack" lifts since such lifts were not included in the investigative study which formed the basis for issuance of the Order.

This type of lift may be found in other businesses such as automobile dealerships and gasoline service stations in addition to service garages. Regardless of the business in which the lifts are used, HO 7 would not apply. Accordingly, there would be no prohibition against 16- and 17-year-old minors being employed in connection with the used of such lifts in your firm's garages.

You are cautioned that 16- and 17-year old minors may not test-drive or deliver automobiles or trucks as the prohibitions of Hazardous Occupations Order No. 2 would apply in that case.

The Department recently established a Child Labor Advisory Committee (the Committee), which will provide the Secretary of Labor and the Wage and Hour Division with ongoing advice and recommendations on whether child labor standards should be changed. The Committee's initial meeting was held March 9 and 10. You are assured that your comments will be considered as part of this process when the Committee reviews HO 7.

If you have any further questions, do not hesitate to call on me.

Sincerely,

Paula V. Smith
Administrator

cc: Chicago RA and ARA