

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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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.