

EASTMAN & SMITH LTD.

ATTORNEYS AT LAW

Established 1844

School's Out for Summer!

Legally Hiring Minors in Your Workplace

Sarah E. Pawlicki, Esq., SHRM-SCP and Jade L. Robinson, Esq.

June 2023

Now that summer is upon us, many high schoolers are picking up jobs for the summer. If your organization decides to hire anyone under the age of 18, it is important to ensure your company complies with both federal and Ohio law on hiring minors, especially due to the Department of Labor's announcement of its National Strategic Enforcement Initiative on Child Labor and the Department of Labor-led Interagency Taskforce to Combat Child Labor Exploitation. If your company does business in other states, it is important to check local and state laws on employing minors.

In Ohio, before employing anyone under 18, both the minor and the employer must agree on the wages to be paid and the employer must obtain proof of the minor's age via a birth certificate, passport, or baptism or other religious record showing the minor's age. The minor must receive written evidence of their agreed upon wages. Additionally, the employer must obtain a signed statement from the minor's parent/guardian permitting the minor to work. After the minor is hired, employers must provide the minor with a paid or unpaid break of 30 minutes for every five consecutive hours of work and must provide the minor with a statement of earnings due and the amount to be paid to the minor on or before each payday.

Over the summer, 16 and 17-year-olds can work without restrictions on time or hours. From June 1st to September 1st, 14 and 15-year-olds cannot work before 7am or after 9pm. Additionally, 14 and 15-year-olds cannot work more than 8 hours a day and cannot work more than 40 hours in a workweek. During the school year, there are significantly greater restrictions on time that minors may work.

Both Ohio and federal law limit the type of jobs that minors can perform. 16 and 17-year-olds can work almost any job, except for jobs declared hazardous by federal Hazardous Occupation Orders. The following jobs are federally prohibited for all minors: (1) working around explosives; (2) driving on public roads; (3) mining; (4) logging and sawmilling; (5) exposure to radioactive chemicals; (6) operation of power-driven hoisting apparatuses; (7) operation of power-driven bakery machines; (8) manufacturing of brick, tile, and related products; (9) operation of power-driven saws, and other cutting machines; (10) wrecking, demolition, and ship breaking; and (11) excavation. Certain jobs are also federally prohibited for 16-year-olds and 17-year-olds, unless they are participating in a career-technical program approved by the Ohio Department of Education, or a state approved apprenticeship program. These jobs include: (1) power-driven woodworking machines; (2) operation of meat-processing machines; (3) power-driven paper product machines; (4) roofing; and (5) operation of power-driven metal forming, punching, and shearing machines. 15-year-olds and 14-year-olds are limited to performing the following jobs: (1) office and clerical work; (2) cashiering and selling; (3) price marking, assembling orders, and packing; (4) bagging and carrying out customers' orders; (5) errands and delivering by foot, bike, bus, or train; (6) certain clean-up and yard work; (7) pumping gas and hand cleaning cars; (8) kitchen work including preparing and serving food (with limits on cooking); and (9) tutoring. 15-year-olds are also permitted to work as lifeguards.

Savvy employers who follow the law can tap into this available workforce, even if it is only for the summer months.

Sarah Pawlicki is a Member and Jade Robinson is an Associate in Eastman & Smith Ltd.'s Labor and Employment group. They partner with human resource professionals to make workplaces better (and legally compliant). They can be reached at 419-241-6000 or sepawlicki@eastmansmith.com and jrobinson@eastmansmith.com. The article in this publication has been prepared by Eastman & Smith Ltd. for informational purposes only and should not be considered legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney/client relationship.