



JAC<sup>3</sup> = E/MC  
College. Career. Connection.

## STUDENT LEARNERS IN THE WORKPLACE

An Employer's Guide to Youth in the Workplace

### Abstract

This guide provides details on exemptions and restrictions related to employing youth who are enrolled in Work-based Learning Programs and/or School-to-Registered Apprenticeship

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The Jackson Area College and Career Connection (JAC<sup>3</sup>) is a work-based learning program offered via the Jackson County Intermediate School District's Career Center (a "recognized state or local educational authority" as per federal guidelines). Students in the program may also be enrolled as school-to-registered apprentices (STRA) within JAMA's Academy for Manufacturing Careers, which is a registered apprenticeship program with the U.S. Department of Labor.

There are Fair Labor Standards Act (FLSA) child labor law "exemptions" related to youth age 16-17 who are enrolled either as student learners or registered apprentices. These child labor law exemptions apply only to specific jobs/industries designated as Hazardous Occupations ("HO" throughout this document). Eighteen is, otherwise, the minimum age for employment in these occupations. (Parents employing their own children are subject to these same rules.) Below is a list of all Hazardous Occupations as defined under the FLSA. Occupations for which exemptions apply for apprentices/student-learners are marked with an \*.

- HO 1: Manufacturing and storing of explosives.
- HO 2: Driving a motor vehicle and being an outside helper on a motor vehicle.
- HO 3: Coal mining.
- HO 4: Forest fire fighting and fire prevention, timber tract management, forestry services, logging, and saw mill occupations.
- \*HO 5: Power-driven woodworking machines.
- HO 6: Exposure to radioactive substances.
- HO 7: Power-driven hoisting apparatus.
- \*HO 8: Power-driven metal-forming, punching, and shearing machines.
- HO 9: Mining, other than coal mining.
- \*HO 10: Meat and poultry packing or processing (including the use of power-driven meat slicing machines).
- HO 11: Power-driven bakery machines.
- \*HO 12: Balers, compactors, and paper-products machines.
- HO 13: Manufacturing brick, tile, and related products.
- \*HO 14: Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.
- HO 15: Wrecking, demolition, and shipbreaking operations.
- \*HO 16: Roofing operations and all work on or about a roof.
- \*HO 17: Excavation operations.

It is important to note that any occupation not included in the above list is deemed to be non-hazardous and, therefore, is *not* restricted for employing youth age 16 and 17.

JAC<sup>3</sup> has the benefit of being doubly covered by these exemptions for STRA-enrolled students because the Jackson Area Career Center (JACC) provides each company with a Work-based Learning Training Agreement for each student and JAMA registers the student under its U.S. Department of Labor certified registered apprenticeship program. (Non-STRA students are still covered by these exemptions under the Career Center's Work-based Learning program.)

Before we get into the detailed breakdown of each specific Hazardous Order exemption, there are a number of other restrictions that companies should take into account when employing minors. These restrictions apply to all minors, not just those enrolled in the JAC<sup>3</sup> program.

## Restrictions Related to Power-Driven Hoisting Apparatus (Forklifts, Loaders, Cranes, etc.)

While 16- or 17-year-old student learners/school-to-registered apprentices can work within a facility that uses forklifts, cranes, or other "power-driven hoisting apparatus", those individuals can NOT directly operate, ride on, assist in operating, repair, service or disassemble them.

Here's the relevant language on the restriction...first the short version:

**HO 7. Power-driven hoisting apparatus**—bans operating, riding on, and assisting in the operation of most power-driven hoisting apparatus such as forklifts, non-automatic elevators, skid-steers, skid-steer loaders, backhoes, manlifts, scissor lifts, cherry pickers, work-assist platforms, boom trucks, and cranes. Does not apply to chair-lifts at ski resorts or electric and pneumatic lifts used to raise cars in garages and gasoline service stations.

**Because HO #7 is NOT one of the occupational classifications for which there is an exemption for apprentices or student learners, this restriction applies to JAC<sup>3</sup> students under age 18.**

Here's the longer, more-detailed version:

### **HO 7 - Power-Driven Hoisting Apparatus Occupations**

The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

1. Work of operating, tending, riding upon, working from, repairing, servicing, or disassembling an elevator, crane, derrick, hoist, or high-lift truck, except operating or riding inside an unattended automatic operation passenger elevator. Tending such equipment includes assisting in the hoisting tasks being performed by the equipment.
2. Work of operating, tending, riding upon, working from, repairing, servicing, or disassembling a manlift or freight elevator, except 16- and 17-year-olds may ride upon a freight elevator operated by an assigned operator. Tending such equipment includes assisting in the hoisting tasks being performed by the equipment.

### *Exemption*

HO 7 does not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive overtravel by the car.

### *Definitions*

- *Crane* shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall

include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

- *Derrick* shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy, and stiff-leg derrick.
- *Elevator* shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.
- *High-lift truck* shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or a platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include highlift trucks known under such names as fork lifts, fork trucks, fork lift trucks, tiering trucks, backhoes, front-end loaders, skid loaders, skid-steer loaders, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of materials.
- *Hoist* shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum, and trolley suspension hoists.
- *Manlift* shall mean a device intended for the conveyance of persons that consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; with such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom. The term shall also include truck- or equipment-mounted aerial platforms commonly referred to as scissor lifts, boom-type mobile elevating work platforms, work assist vehicles, cherry pickers, basket hoists, and bucket trucks.

### **Restrictions Related to Number of Hours Worked**

The age of a young worker typically determines how many hours in a day or week, or what hours in the day, they may work.

Below is info for both federal and state restrictions/guidelines. Wherever the State of Michigan's requirements are stricter than the federal requirements, the state requirements apply...and vice versa.

#### ***Hours of Work covered by Federal Law:***

Minimum age for non-agricultural employment per the FLSA is 14 years. While the JAC<sup>3</sup> program currently only works with youth age 16 and above, info is included here for younger ages.

Basic rules for when and where a youth may work are:

- Youth **18 years or older** may perform any job, whether hazardous or not, for unlimited hours.
- Youth **16 or 17 years old** may perform any non-hazardous job for unlimited hours.
- Youth **14 and 15 years old** may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs. They *cannot* work:
  - More than 3 hours a day on school days, including Fridays;
  - More than 18 hours per week in school weeks;
  - More than 8 hours a day on non-school days;
  - More than 40 hours per week when school is not in session.

Also, 14- and 15-year-olds may not work before 7:00 a.m., or after 7:00 p.m., except from June 1 through Labor Day when their permissible hours are extended to 9:00 p.m.

### ***Hours of Work covered by State of Michigan Law:***

**Minors 16 years of age and older** may work:

1. No more than 6 days in 1 week.
2. No more than a weekly average of 8 hours per day.
3. No more than 10 hours in any one day.
4. No more than 24 hours in 1 week regardless of the number of hours or days attending school
5. Not more than 5 hours continuously without a documented and uninterrupted 30 minute meal or rest period.
6. Not earlier than 6:00 a.m. and no later than 10:30 p.m. (Sunday through Thursday)
7. Not earlier than 6:00 a.m., and no later than 11:30 p.m., Friday and Saturday, and not regularly attending school (i.e., during summer break and spring and Christmas vacation).

Minors ages 16-17 may be employed **when school is not** in session in **agricultural processing** for not more than 11 hours in 1 day and 62 hours in 1 work week, with written permission consent from the minor and the minor's parent or guardian, and not between 2:00 a.m. and 5:30 a.m.

### **Restrictions Related to Driving**

Minors who are **at least 17 years of age** may drive automobiles and trucks on public roadways when all the following criteria are met:

1. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, and the vehicle is equipped with a seat belt or similar restraining device for the driver and for any passengers AND the employer has instructed the employee that such belts or other devices must be used;
2. The driving is restricted to daylight hours;
3. The minor holds a State license valid for the type of driving involved in the job performed and has no records of any moving violations at the time of hire;
4. The minor has successfully completed a State-approved driver education course;
5. The driving does not involve:
  - a. the towing of vehicles;
  - b. regular route deliveries or route sales;
  - c. the transportation for hire of property, goods, or passengers;

- d. urgent, time-sensitive deliveries;
- e. the transporting at any one time of more than three passengers, including the employees of the employer;
6. The driving performed by the minor does not involve more than two trips away from the primary place of employment in any single day for the purpose of:
  - a. delivering goods of the minor's employer to a customer (except urgent, time-sensitive deliveries which are completely banned in paragraph (b)(5) of this section);
  - b. transporting passengers (other than the employees of the employer);
7. The driving takes place within a thirty (30) mile radius of the minor's place of employment; and,
8. The driving is only occasional and incidental to the employee's employment.



The remainder of this document contains a detailed explanation of the Hazardous Occupations for which there are federal exemptions for 16-to-17-year-olds who are Student Learners or Apprentices. Students in the JAC<sup>3</sup> program CAN perform the work as outlined in the remainder of this document.

#### **Occupations involved in the operation of power-driven woodworking machines (Order 5).**

The following occupations involved in the operation of power-driven wood-working machines are particularly hazardous for minors between 16 and 18 years of age:

1. Operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.
2. Setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.
3. Off-bearing from circular saws and from guillotine-action veneer clippers.

*Definitions.* As used in this section:

- *Off-bearing* shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include:
  - The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller; and
  - The following operations when they do not involve the removal of materials or refuse directly from a saw table or point of operation: The carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

- *Power-driven woodworking machines* shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood, veneer, trees, logs, or lumber.

### **Occupations involved in the operation of power-driven metal forming, punching, and shearing machines (Order 8).**

The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

1. The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:
  - a. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.
  - b. All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.
  - c. All bending machines, such as apron brakes and press brakes.
  - d. All hammering machines, such as drop hammers and power hammers.
  - e. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.
2. The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

*Definitions.* As used in this section:

- The term *operator* shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.
- The term *helper* shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.
- The term *forming, punching, and shearing machines* shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

## Occupations involved in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing, processing, or rendering (Order 10).

The following occupations in or about slaughtering and meat packing establishments, rendering plants, or wholesale, retail or service establishments are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

1. All occupations on the killing floor, in curing cellars, and in hide cellars except the work of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.
2. All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines.
3. All occupations involved in tannage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.
4. All occupations involved in the operation or feeding of the following power-driven machines, including setting-up, adjusting, repairing, or oiling such machines or the cleaning of such machines or the individual parts or attachments of such machines, regardless of the product being processed by these machines (including, for example, the slicing in a retail delicatessen of meat, poultry, seafood, bread, vegetables, or cheese, etc.): meat patty forming machines, meat and bone cutting saws, poultry scissors or shears; meat slicers, knives (except bacon-slicing machines), head-splitters, and guillotine cutters; snout-pullers and jaw-pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; grinding, mixing, chopping, and hashing machines; and presses (except belly-rolling machines). *Except*, the provisions of this subsection shall not apply to the operation of lightweight, small capacity, portable, countertop mixers discussed in when used as a mixer to process materials other than meat or poultry.
5. All boning occupations.
6. All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.
7. All occupations involving the hand-lifting or hand-carrying of any carcass or half-carcass of beef, pork, horse, deer, or buffalo, or any quarter-carcass of beef, horse, or buffalo.

*Definitions.* As used in this section:

- *Boning occupations* means the removal of bones from meat cuts. It does not include work that involves cutting, scraping, or trimming meat from cuts containing bones.
- *Curing cellar* includes a workroom or workplace which is primarily devoted to the preservation and flavoring of meat, including poultry, by curing materials. It does not include a workroom or workplace solely where meats are smoked.
- *Hide cellar* includes a workroom or workplace where hides are graded, trimmed, salted, and otherwise cured.
- *Killing floor* includes a workroom, workplace where such animals as cattle, calves, hogs, poultry, sheep, lambs, goats, buffalo, deer, or horses are immobilized, shackled, or killed, and the carcasses are dressed prior to chilling.



- *Retail/wholesale or service establishments* include establishments where meat or meat products, including poultry, are processed or handled, such as butcher shops, grocery stores, restaurants and quick service food establishments, hotels, delicatessens, and meat locker (freezer-locker) companies, and establishments where any food product is prepared or processed for serving to customers using machines prohibited by paragraph (a) of this section.
- *Rendering plants* means establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.
- *Slaughtering and meat packing establishments* means places in or about which such animals as cattle, calves, hogs, poultry, sheep, lambs, goats, buffalo, deer, or horses are killed, butchered, or processed. The term also includes establishments which manufacture or process meat or poultry products, including sausage or sausage casings from such animals.

### **Occupations involved in the operation of balers, compactors, and paper-products machines (Order 12).**

The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

1. The occupations of operation or assisting to operate any of the following power-driven paper products machines:
  - a. Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or-double facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler, paper box compactor, or vertical slotter.
  - b. Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.
2. The occupations of operation or assisting to operate any baler that is designed or used to process materials other than paper.
3. The occupations of operation or assisting to operate any compactor that is designed or used to process materials other than paper.
4. The occupations of setting up, adjusting, repairing, oiling, or cleaning any of the machines listed in paragraphs (a)(1), (2), and (3) of this section.

*Definitions.* As used in this section:

- *Baler that is designed or used to process materials other than paper* means a powered machine designed or used to compress materials other than paper and cardboard boxes, with or without binding, to a density or form that will support handling and transportation as a material unit without requiring a disposable or reusable container.
- *Compactor that is designed or used to process materials other than paper* means a powered machine that remains stationary during operation, designed or used to compact refuse other than paper or cardboard boxes into a detachable or integral container or into a transfer vehicle.

- *Operating or assisting to operate* means all work that involves starting or stopping a machine covered by this section, placing materials into or removing materials from a machine, including clearing a machine of jammed materials, paper, or cardboard, or any other work directly involved in operating the machine. The term does not include the stacking of materials by an employee in an area nearby or adjacent to the machine where such employee does not place the materials into the machine.
- *Paper box compactor* means a powered machine that remains stationary during operation, used to compact refuse, including paper boxes, into a detachable or integral container or into a transfer vehicle.
- *Paper products machine* means all power-driven machines used in remanufacturing or converting paper or pulp into a finished product, including preparing such materials for recycling; or preparing such materials for disposal. The term applies to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment. The term also applies to those machines which, in addition to paper products, process other material for disposal.
- *Scrap paper baler* means a powered machine used to compress paper and possibly other solid waste, with or without binding, to a density or form that will support handling and transportation as a material unit without requiring a disposable or reusable container.

**Occupations involving the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs (Order 14).**

The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

1. The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:
  - a. Circular saws.
  - b. Band saws.
  - c. Guillotine shears.
2. The occupations of operator of or helper on the following power-driven fixed or portable machines:
  - a. Chain saws.
  - b. Reciprocating saws.
  - c. Wood chippers.
  - d. Abrasive cutting discs.
3. The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs.

*Definitions.* As used in this section:

- *Abrasive cutting disc* shall mean a machine equipped with a disc embedded with abrasive materials used for cutting materials.

- *Band saw* shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.
- *Chain saw* shall mean a machine that has teeth linked together to form an endless chain used for cutting materials.
- *Circular saw* shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.
- *Guillotine shear* shall mean a machine equipped with a moveable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.
- *Helper* shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.
- *Operator* shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.
- *Reciprocating saw* shall mean a machine equipped with a moving blade that alternately changes direction on a linear cutting axis used for sawing materials.
- *Wood chipper* shall mean a machine equipped with a feed mechanism, knives mounted on a rotating chipper disc or drum, and a power plant used to reduce to chips or shred such materials as tree branches, trunk segments, landscape waste, and other materials.

### **Occupations in roofing operations and on or about a roof (Order 16).**

All occupations in roofing operations and all occupations on or about a roof are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

*Definitions.* As used in this section:

- *On or about a roof* includes all work performed upon or in close proximity to a roof, including carpentry and metal work, alterations, additions, maintenance and repair, including painting and coating of existing roofs; the construction of the sheathing or base of roofs (wood or metal), including roof trusses or joists; gutter and downspout work; the installation and servicing of television and communication equipment such as cable and satellite dishes; the installation and servicing of heating, ventilation and air conditioning equipment or similar appliances attached to roofs; and any similar work that is required to be performed on or about roofs.
- *Roofing operations* means all work performed in connection with the installation of roofs, including related metal work such as flashing, and applying weatherproofing materials and substances (such as waterproof membranes, tar, slag or pitch, asphalt prepared paper, tile, composite roofing materials, slate, metal, translucent materials, and shingles of asbestos, asphalt, wood or other materials) to roofs of buildings or other structures. The term also includes all jobs on the ground related to roofing operations such as roofing laborer, roofing helper, materials handler and tending a tar heater.

### **Occupations in excavation operations (Order 17).**

The following occupations in excavation operations are particularly hazardous for the employment of persons between 16 and 18 years of age:

1. Excavating, working in, or backfilling (refilling) trenches, except (i) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or (ii) working in trenches that do not exceed four feet in depth at any point.
2. Excavating for buildings or other structures or working in such excavations, except: (i) Manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or (ii) working in an excavation not exceeding such depth, or (iii) working in an excavation where the side walls are shored or sloped to the angle of repose.
3. Working within tunnels prior to the completion of all driving and shoring operations.
4. Working within shafts prior to the completion of all sinking and shoring operations.