

June 13, 2003

Barb Barrick
Acting City Clerk
City of Marengo
133 E. Main Street
Marengo, Iowa 52301

RE: 15-Year-Old Lifeguards and Ladders

Dear Ms. Barrick:

This is in response to your letter of June 4, 2003 seeking a special order on the application of the child labor provisions of Iowa Code 92.6(9)(c). You specifically inquired whether cities would be in violation of the Iowa child labor law if they hire 15-year-old American Red Cross trained lifeguards.

Iowa Code Chapter 92 expressly prohibits children under the age of 16 from performing any work other than that which the Labor Commissioner permits, by order or regulation, because it does not interfere with their schooling or health and well being. Iowa Code 92.6 indicates what forms of labor are not permissible for 14 and 15-year-olds.

Iowa Code 92.6(9)(c) specifically states:

“Outside window washing that includes working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes” is prohibited. The occupation of lifeguard is not specifically authorized in the Iowa child labor laws as an occupation that 14 and 15-year-olds may perform. However, the Division of Labor Services will rely on the expertise of the American Red Cross in the matters of water safety and safe pool operating procedures and, as a matter of its discretion, will not assert a violation with regard to the employment of 15-year-olds in the occupation of “lifeguard,” provided that the minor has been trained and certified by the American Red Cross in aquatics and water safety.

Therefore, 15-year-old youths may work as trained/certified lifeguards and perform such related duties as climbing elevated lifeguard stands. We would ask that the city remind their youth that falls and slipping are issues that need to be covered in training of all lifeguards employed by the city.

The Division of Labor Services will enforce all the other applicable provisions of Iowa Code Chapter 92, including the restrictions on the hours and times of day that 15-year-olds may be employed. The Division of Labor Services will adopt the United States Department of Labor's position as it relates to the issue of climbing elevated lifeguard stands, so that both state and federal interpretations are consistent.

Thank you for your interest in this matter. We hope that this interpretation will be beneficial to you and other cities.

Sincerely,

Byron K. Orton
Labor Commissioner

Cc: American Red Cross, Larry Bair
Iowa League of Cities-Carrie Johnson
USDOL, Mike Staebell
Iowa Municipal Utilities-Mary Ann Kinkade