

BRIEF COMPARISON OF FEDERAL & STATE CHILD LABOR LAWS

Following are the primary differences between Iowa and Federal Child Labor Laws:

- 1) Employers covered
 - a) State – covers all employers in state
 - b) Federal – closely based on mandatory minimum wage guidelines:
 - companies with an annual gross volume of sales/business of \$500,000 or more
 - OR
 - operating a hospital, institution to care for physically or mentally ill, disabled or aged; a school, including preschool, secondary, or institution of higher learning;
 - OR
 - public agency
 - OR
 - minor employees engaged in interstate commerce or production of goods for interstate commerce
- 2) Hours for 14-15 year olds:
 - a) State – may work 4 hours per day on school days, up to 28 hours per week when school is in session. Students have been allowed to work during flex school hours (new scheduling), provided scheduled school is not missed.
 - b) Federal – may work 3 hours per day on school days, up to 18 hours per week when school is in session. May not work during set school hours.
- 3) Penalties
 - a) State – Criminal-parent, guardian, or other person having control of a minor child and permits them to work in violation of the law is guilty of a serious misdemeanor, punishable by a fine of \$315-1875 and/or up to 1 year imprisonment per offense. Civil-employer may have civil penalty up to \$10,000 per violation per child
 - b) Federal – employers may have administrative fine up to \$100,000 per minor; for a second offense committed after conviction of similar offense, fine of \$100,000 or imprisonment for not more than 6 months, or both. District Court restraining order can be requested to prevent future child labor violations (civil or criminal).
- 4) Age Certificates/Work Permits
 - a) State – requires work permits for 14-15 year olds, employers may require certificates of age for 16-17 year olds.
 - b) Federal – no work permits required. Recommend that employers keep certificates of age to protect themselves.
- 5) 16-17 year olds
 - a) State – prohibits occupations involving operation of laundry, dry cleaning, or dyeing machinery, and dangerous/ hazardous chemicals.
 - b) Federal – does not specifically prohibit. Looks to 17 listed Hazardous Occupations: if any of them apply, it would be prohibited.

6) Child Labor in Agriculture

- a) State – exempts children 14 years and older and allows them to detassel corn during June-August; also allows part-time work in agriculture (part time is defined as half of the regularly allowed hours)
- b) Federal – Prohibits work during school hours for 14-15 year olds, prohibits hazardous occupations. 12-13 year olds allowed to work on parent’s farm and on farms where minimum wage is required, with their parent’s permission. Has complete set of regulations: Child Labor Requirements in Agriculture.

7) School Training

- a) State – allows students under an instructor in industrial arts department, or instructor in a school shop, or industrial plant or vocational education course, or with apprentices; no hour limits.
- b) Federal – allows training without employment relationship, regardless of age; however, 16 or older may also be employed during school hours; hazardous occupations are prohibited for all.

8) Exceptions

- a) State –
 - exempts part-time, occasional or volunteer work for nonprofit organizations that are educational, charitable, religious or community service in nature
 - detasseling, with limits on hours
 - part-time work in agriculture: 14-15 year olds may work in agriculture occupations for ½ of regular hours; summer – 20 hours per week, 4 hours per day; school in session – 14 hours per week, 2 hours per day
 - child of any age may work in any occupation or business at any time doing any type of work in a business operated by child’s parents if parent is on premises
 - allows modeling under 16 years of age between 7 a.m. and 10 p.m., for not more than 12 hours per month
 - allows juvenile court to order under age children to complete work assignments when appropriate
- b) Federal –
 - exempts age and hours of children working in parents’ business when parent is sole proprietor; prohibits hazardous work even in parents’ business
 - allows actors, performers in motion pictures, radio, or television

10) State – may issue written special orders allowing prohibited work to occur

Federal – No waivers

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