
Prohibited Employment - Federal

Federal law regarding the types of employment prohibited for 14-15 year old employees mirrors state law (listed on the inside of this brochure), with the following additions:

- lawn-mowing (except in domestic employment)
- manufacturing and most processing
- public messenger service
- communications and public utilities
- operation of hoisting apparatus
- loading and unloading goods to and from trucks, railroad cars, or conveyors

Federal Hazardous Occupations

In addition to the occupations specifically prohibited for employees ages 14-15, federal law also prohibits the following occupations for anyone under the age of 18:

- 1 Manufacturing and storing explosives.
- 2 Motor-vehicle driving and outside helper.*
- 3 Coal mining.
- 4 Logging and sawmilling.
- 5 Power-driven woodworking machines.*
- 6 Exposure to radioactive substances.
- 7 Power-driven hoisting apparatus.
- 8 Power-driven metal forming, punching, and shearing machines.*
- 9 Mining, other than coal mining.
- 10 Operating power-driven meat processing equipment, including meat slicers and other food slicers, and most occupations in meat slaughtering or meat-packing, processing, or rendering.*
- 11 Power-driven bakery machines including vertical dough or batter mixers.
- 12 Power-driven paper-products machines including scrap paper balers and cardboard box compactors.*
- 13 Manufacturing bricks, tile, and kindred products.
- 14 Power-driven circular saws, bandsaws, and guillotine shears.*
- 15 Wrecking, demolition, and ship breaking operations.
- 16 Roofing operations and all work on or about a roof.*
- 17 Excavation operations.*

*(Limited exemptions may apply)

For further information on these restrictions, contact the U.S. Department of Labor.

Highest Standard of the Law

When state and federal child labor provisions differ, the more "stringent" standard prevails and must be followed.

For example, if federal law prohibits a type of employment that is allowed under state law, the federal law would apply and the work would be prohibited.

Wages

The minimum wage in North Dakota is \$6.55 per hour, with an increase to \$7.25 per hour effective July 24, 2009. Employees are entitled to compensation for all hours worked including preparation time, closing time, and any required meetings or training. North Dakota does not have a training wage. The minimum wage applies to all employees, regardless of age, unless the position is exempted by law or administrative rule.

Unless otherwise noted, state laws regarding child labor can be found in N.D.C.C. Chapter 34-07 and N.D. Admin. Code Chapter 46-02-07. Federal laws are contained in the Fair Labor Standards Act (Child Labor Bulletin No. 101).

Have Additional Questions?
Need assistance with this information?
Contact us at:

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Phone - (701)328-2660 or 1-800-582-8032
TTY (Relay ND) - 1-800-366-6888 or -6889
Fax - (701)328-2031
E-Mail - labor@nd.gov
Web site - nd.gov/labor

U.S. Department of Labor
1-866-487-9243
Web site - www.dol.gov/esa/whd

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Youth Employment in North Dakota

State & Federal
Laws & Regulations



John Hoeven
Governor

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Commissioner of Labor

Child Labor Laws

State child labor provisions establish a minimum age of 14 to be employed and regulate the employment of teens ages 14 and 15. Generally, persons age 14 and 15 are required to file an Employment and Age Certificate (work permit) with the North Dakota Department of Labor, are limited in the hours they can work, and are prohibited from performing certain types of work.

Federal child labor laws further limit the types of work that can be performed by teens 14 and 15 years of age and prohibit teens ages 16 and 17 from working in certain occupations the U.S. Department of Labor deems to be hazardous.

Exemptions from Child Labor Laws

Teens may be exempt from some or all state child labor provisions if they:

- are exempt from compulsory school attendance requirements under N.D.C.C. §15.1-20-02(1)(b), (c), or (d) – exempt from restricted hours and need for a work permit
 - work for and under the direct supervision of their parent, grandparent, or legal guardian – exempt from minimum age and need for a work permit (*Note: the exemption under federal law does not include grandparents, and requires that the business be 100% owned by the parent or guardian)
 - work in domestic service (refers to services of a household nature performed in or about the employer's private home) – exempt from minimum age, restricted hours, and need for a work permit
 - work on a farm (doing agricultural work) – exempt from all child labor provisions (*Note: federal law does have some restrictions for youth under age 16)
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Employment & Age Certificate

Employees in North Dakota ages 14 and 15 are required to file an Employment & Age (E&A) Certificate for each job worked while ages 14 or 15. Also called a work permit,

The North Dakota Department of Labor is responsible to protect the safety and welfare of North Dakota's teen workers through enforcement of youth employment laws. Together with the U.S. Department of Labor, it is our aim to provide safe, quality employment opportunities for our youth—the key to our future.

the certificate is available through the North Dakota Department of Labor (on-line and in-office) and Job Service North Dakota offices.

The E&A certificate has sections for the youth, parent, and employer to complete. Once completed, copies are to be distributed to the employer, school principal, and North Dakota Department of Labor.

Working Hours

Under state and federal laws, youths age 14 & 15 may work:

Permitted Working Hours -

Labor Day - May 31st: 7:00 am - 7:00 pm

June 1st - Labor Day: 7:00 am - 9:00 pm

Maximum hours per day -

3/school day; 8/non-school day

Maximum hours per week -

18/school week;* 40/non-school week

*Under state law, a school week is any week Sunday-Saturday in which school attendance is required for any period of time for four or more days. For employers covered by the FLSA, the U.S. DOL has interpreted their regulations that the term "school week" includes any week in which school is in session one or more days.

Prohibited Employment - State

State law prohibits 14 and 15 year old employees from working in the following:

- 1 Employment involving the use of any power-driven machinery. Permitted exceptions:
 - a) office machines such as adding machines or typewriters;
 - b) tagging, pricing, or similar machines used in retail stores;
 - c) domestic-type machines used in food service such as toasters, coffee grinders, blenders;
 - d) machines used in service stations such as those in connection with car cleaning, washing, or polishing, or in the dispensing of gas or oil (provided that no work involves the use of pits, racks, or lifting apparatus or the inflation of any tire mounted on a rim equipped with a removable retaining ring);
 - e) lawnmowers.

- 2 Construction work other than cleaning, errand-running, moving, stacking, loading, or unloading materials by hand.
- 3 Lumbering or logging operations.
- 4 Sawmills or planing mills.
- 5 Manufacture, disposition, or use of explosives.
- 6 Operation of any steam boiler, steam machinery, or steam generating apparatus.
- 7 Operation or assisting in the operation of laundry machinery.
- 8 Preparing any composition in which dangerous or poisonous acids are used.
- 9 Manufacture of paints, colors, or white lead.
- 10 Operating or assisting in the operation of passenger or freight elevators.
- 11 Work in a mine or quarry.
- 12 Manufacture of goods for immoral purposes.
- 13 Any other employment not herein specifically enumerated that may be considered dangerous to life or limb or in which health may be injured or morals depraved.
- 14 Occupations which involve working on an elevated surface, with or without the use of safety equipment, including ladders and scaffolds in which the work is performed higher than six feet off of the ground.
- 15 Security positions or occupations that require the use of a firearm or other weapon.
- 16 Door-to-door sales of any kind.
- 17 Occupations involving the loading, handling, mixing, applying, or working around or near any fertilizers, herbicides, fungicides, pesticides, insecticides, or any other chemicals, toxins, or heavy metals.
- 18 Occupations in or in connection with medical or other dangerous wastes.
- 19 Occupations which involve the handling or storage of blood, blood products, body fluids, and body tissues.
- 20 Cooking, baking, grilling, or frying.
- 21 Warehouse or storage work.
- 22 Trucking or commercial driving.

Additionally, any employment which would compel the person to remain standing constantly is prohibited.